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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 RAYSHAUN DEVON SINCLAIR,

13 Plaintiff,

14 v.

15 C/O T.W. BUSH,

16 Defendant.
17
18

Case No. C 03-4331 WHA

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE EXPERT AND NON-
EXPERT DISCOVERY**

Trial Date: December 5, 2005

Time: 7:30 a.m.

Place: Courtroom 9, 19th Floor

Judge: The Honorable William Alsup

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20 Pursuant to Northern District of California Civil Local Rule 7-12 and paragraph 11
21 of the Case Management Order and Reference to Magistrate Judge for
22 Mediation/Settlement dated January 31, 2005, plaintiff Rayshaun Sinclair and Defendant
23 T.W. Bush, by and through their respective counsel, stipulate as follows:

24 WHEREAS, the Case Management Order in this action ordered that the non-expert
25 discovery cut-off date is July 29, 2005; the last date for designation of expert testimony and
26 disclosure of opening expert reports is July 29, 2005; the last date for disclosure of reply
27 reports is August 5, 2005; and the cutoff for all expert discovery is August 19, 2005;

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C 03-4331 WHA

1 WHEREAS, defendant has requested additional time to complete fact discovery and
2 disclosure of expert reports, and plaintiff does not object to this request on the condition that
3 this change in schedule does not result in additional costs to plaintiff as a result of his
4 deposition and any physical examination requiring multiple trips to the Bay Area;

5 WHEREAS, plaintiff has not yet deposed the following individuals named in
6 defendant's initial disclosures: Associate Warden W.A. Cohen; Lieutenant B. Jordan;
7 Sergeant L.J. Kulwicki; the MTA who completed the 7219 dated 1/17/03 (name currently
8 unknown); Officer Jacobsma; and Lieutenant Wingo, and defendant does not presently
9 know whether any of these individuals will be a witness at trial;

10 WHEREFORE, the parties stipulate as follows:

- 11 1. The non-expert discovery cut-off date shall be August 5, 2005.
- 12 2. The last date for designation of expert testimony and disclosure of opening
13 expert reports shall be August 12, 2005.
- 14 3. The last date for disclosure of reply reports is August 29, 2005.
- 15 4. The cutoff for all expert discovery is September 12, 2005.
- 16 5. Pursuant to stipulation between the parties, defendant has noticed plaintiff's
17 physical examination for August 4, 2005 at 10:00 a.m. Plaintiff stipulates to a physical
18 examination of plaintiff's hand. However, plaintiff does not stipulate to any mental
19 examination.
- 20 6. In the event that defendant decides to bring Associate Warden W.A. Cohen;
21 Lieutenant B. Jordan; Sergeant L.J. Kulwicki; the MTA who completed the 7219 dated
22 1/17/03 (name currently unknown); Officer Jacobsma; or Lieutenant Wingo as a witness at
23 trial, defendant will promptly notify plaintiff of that decision and will consent to plaintiff
24 taking a pre-trial deposition of any such witness.

25 Aside from the changes set forth above, all other provisions of the Case Management
26 Order in this action still apply, including those provisions relating to the contents of expert
27 reports and testimony.


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1 Nothing in this stipulation shall be used by any party as grounds for seeking an
2 extension of time to file dispositive motions or for a continuance of the pretrial conference
3 or trial date.

4 DATED: July 29, 2005

Respectfully submitted,

HELLER EHRMAN LLP

6 By 

7 ROBERT E. BORTON
8 RACHEL M. JONES

9 Attorneys for Plaintiff
RAYSHAUN DEVON SINCLAIR

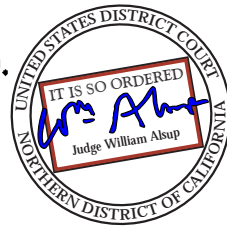
10 OFFICE OF THE ATTORNEY GENERAL

11 By 

13 JENNIFER PERKELL

14 Attorneys for Defendant
15 T.W. BUSH

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.



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21 DATED: August 1, 2005

22 The Honorable William Alsup
23 United States District Judge

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